IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael O'Connor *et al.*
Serial No.: 10/729,632 Group No.: 3736
Filed: 12/05/03 Examiner: Veniaminov, N.
Entitled: **Controlled Environment Device**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **September 16, 2004**.

By: _____
Cliff Cannon-Cin

Sir or Madam:

The citations listed below, may be material to the examination of the above-identified application, and are therefore submitted in compliance with the duty of disclosure defined in 37 C.F.R. §§ 1.56 and 1.97. The Examiner is requested to make these citations of official record in this application.

In accordance with 37 C.F.R. §1.98 (d), copies of some of the references listed below are **not** provided since they were previously submitted by Applicants in U.S. Patent Appln. No. 09/972,236, filed on October 5, 2001 (Our File: OCONNOR-06575), now U.S. Patent No. 6,685,622, issued on February 3, 2004, which is relied upon for an earlier filing date under 35 U.S.C. §120. In addition, since the instant application was filed after June 30, 2003, copies of U.S. Patents and published Applications cited in the Information Disclosure Statement are not required and therefore have **not** been provided (MPEP, 609, III A(2)).

The following printed publications are referred to in the body of the specification:

- Barazzone *et al.*, "Oxygen toxicity in mouse lung: pathways to cell death," Am. J. Respir. Cell Mol. Biol., 19:573-581 [1998];

- Cargnoni *et al.,* Changes in oxidative stress and cellular redox potential during myocardial storage for transplantation: experimental studies," J. Heart Lung Transplant., 18:478-487 [1999];
- Ihnken *et al.,* "Studies of hypoxemic/reoxygenation injury: without aortic clamping," J. Thorac. Cardiovasc. Surg., 110:1171-1181 [1995];
- Ihnken *et al.,* "Normoxic cardiopulmonary bypass reduces oxidative myocardial damage and nitric oxide during cardiac operations in the adult," J. Thorac. Cardiovasc. Surg., 116:327-334 [1998];
- Knight, "Free radicals: their history and current status in aging and disease," Ann. Clin. Lab. Sci., 28:331-346 [1998];
- Morita *et al.,* "Studies of hypoxemic/reoxygenation injury: without aortic clamping," J. Thorac. Cardiovasc. Surg., 110:1235-1244 [1995];
- Pepper *et al.,* "Sequential oxidative damage, and changes in iron-binding and iron-oxidising plasma antioxidants during cardiopulmonary bypass surgery," Free Rad. Res., 21:377-385 [1994];
- Satoh *et al.,* "Oxygen toxicity induces apoptosis in neuronal cells," Cell. Mol. Neurobiol., 18:649-666 [1998];
- Sellke *et al.,* "Twenty-four-hour heart preservation using continuous cold perfusion and copper (II) complexes," J. Surg. Res., 80:171-176 [1998];
- Tian *et al.,* "Alterations of antioxidant enzymes and oxidative damage to macromolecules in different organs or rats during aging," Free Radical Biol. Med., 24:1477-1484 [1998]; and
- Williams *et al.,* "Postoperative lung injury and oxidative damage in patients undergoing pulmonary resection," Eur. Respir. J., 11:1028-1034 [1998].

Also, Applicants have become aware of the following printed publications, which may be material to the examination of this application:

- U.S. Patent No. 4,262,091 to Cox [1981];
- Capellier *et al.,* "Oxygen tolerance in patients with acute respiratory failure," Intensive Care Med 24:422-428 [1998];

- Folz *et al.*, "Extracellular superoxide dismutase in the airways of transgenic mice reduces inflammation and attenuates lung toxicity following hyperoxia," J. Clin. Invest. 103:1055-1066 [1999];
- Fridovich, "Oxygen toxicity: a radical explanation," J. Exp. Biol. 201:1203-1209 [1998];
- Ihnken *et al.*, "Studies of hypoxemic/reoxygenation injury:without aortic clamping," J. Thorac. Cardiovasc. Surg., 110:1182-1189 [1995];
- Ihnken, "Hyperoxic cardiopulmonary bypass causes reoxygenation injury and lipid peroxidation," J. Thorac. Cardiovasc. Surg., 114:304-305 [1997];
- Oldham and Bowen, "Oxidative stress in critical care: is antioxidant supplementation beneficial?" J. Am. Diet. Assoc. 98:1001-1008 [1998]; and
- Novelli *et al.*, "Vitamin E protects human skeletal muscle from damage during surgical ischemia-reperfusion," Am. J. Surg. 172:206-209 [1996].

In addition, the Examiner has cited the following patents in the Office Action mailed June 16, 2004:

- U.S. Patent No. 4,026,286 to Trexler [1977];
- U.S. Patent No. 4,059,903 to Piet *et al.* [1977];
- U.S. Patent No. 4,089,571 to Landy [1978];
- U.S. Patent No. 4,111,753 to Folsom *et al.* [1978];
- U.S. Patent No. 4,566,293 to Arner *et al.* [1986];
- U.S. Patent No. 4,612,916 to Akers *et al.* [1986];
- U.S. Patent No. 4,950,222 to Scott *et al.* [1990];
- U.S. Patent No. 4,960,143 to Dore Jr., *et al.* [1990];
- U.S. Patent No. 5,380,077 to Puschner *et al.* [1995]; and
- U.S. Patent No. 5,636,643 to Argenta *et al.* [1997].

This Information Disclosure Statement under 37 C.F.R. §§ 1.56 and 1.97 is not to be construed as a representation that a search has been made, that additional information material

to the examination of this application does not exist, or that any one or more of these citations constitutes prior art.

Dated: September 16, 2004

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FORM PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket No.: OCONNOR-07998	Serial No.: 10/729,632
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary)		Applicant: Michael O'Connor *et al.*	
(37 CFR § 1.98(b))		Filing Date: 12/05/2003	Group Art Unit: 3736

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
	1	4,026,286	05/31/77	Trexler			
	2	4,059,903	11/29/77	Piet *et al.*			
	3	4,089,571	05/16/78	Landy			
	4	4,111,753	09/05/78	Folsom *et al.*			
	5	4,262,091	04/14/81	Cox			
	6	4,566,293	01/28/86	Arner *et al.*			
	7	4,612,916	09/23/86	Akers *et al.*			
	8	4,950,222	08/21/90	Scott *et al.*			
	9	4,960,143	10/02/90	Dore Jr. , *et al.*			
	10	5,380,077	01/10/95	Puschner *et al.*			
	11	5,636,643	06/10/97	Argenta *et al.*			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
							Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)

	12	Barazzone *et al.*, "Oxygen toxicity in mouse lung: pathways to cell death," Am. J. Respir. Cell Mol. Biol., 19:573-581 [1998]
	13	Cargnoni *et al.*, Changes in oxidative stress and cellular redox potential during myocardial storage for transplantation: experimental studies," J. Heart Lung Transplant., 18:478-487 [1999]
	14	Ihnken *et al.*, "Studies of hypoxemic/reoxygenation injury: without aortic clamping," J. Thorac. Cardiovasc. Surg., 110:1171-1181 [1995]
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	16	Knight, "Free radicals: their history and current status in aging and disease," Ann. Clin. Lab. Sci., 28:331-346 [1998]
	17	Morita *et al.*, "Studies of hypoxemic/reoxygenation injury: without aortic clamping," J. Thorac. Cardiovasc. Surg., 110:1235-1244 [1995]
	18	Pepper *et al.*, "Sequential oxidative damage, and changes in iron-binding and iron-oxidising plasma antioxidants during cardiopulmonary bypass surgery," Free Rad. Res., 21:377-385 [1994]
	19	Satoh *et al.*, "Oxygen toxicity induces apoptosis in neuronal cells," Cell. Mol. Neurobiol., 18:649-666 [1998]
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	21	Tian *et al.*, "Alterations of antioxidant enzymes and oxidative damage to macromolecules in different organs or rats during aging," Free Radical Biol. Med., 24:1477-1484 [1998]
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	25	Fridovich, "Oxygen toxicity: a radical explanation," J. Exp. Biol. 201:1203-1209 [1998]

Examiner:	Date Considered:

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	27	Ihnken, "Hyperoxic cardiopulmonary bypass causes reoxygenation injury and lipid peroxidation," J. Thorac. Cardiovasc. Surg., 114:304-305 [1997]
	28	Oldham and Bowen, "Oxidative stress in critical care: is antioxidant supplementation beneficial?" J. Am. Diet. Assoc. 98:1001-1008 [1998]
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